THE FUSION OF POLITICAL PARTIES.

THE AUTOMATIC METHOD IN AUSTRALIA.

It is a canon of popular government that the majority should rule. Whatever an individual citizen may think it certainly will not become any public officer elected by the people to deny so fundamental a proposition of popular government. The object of an election is to ascertain the will of the people that the majority may rule.

Under our form of government the people govern themselves by choosing agents to act for them. Public servants are usually elected by a direct vote of the people. The president and senators of the United States are, however, familiar examples of election by indirect methods. Elections may also be classified with reference to the number of persons to be chosen for a particular office. Thus the election of several persons from one district for the same office can be spoken of as a plural election. A familiar example of a plural election is the choice of presidential electors from the whole state on a general ticket. In some places local boards are elected in the same manner. But this paper will not refer to the election of plural officers, nor to any form of indirect election. We will consider elections only so far as they relate to the choice of one person by a direct vote of the people. Thus our concern will be the election of a governor, a mayor, a single member of congress, a single member of the state legislature, a sheriff or other single officer, especially where there are more than two candidates.

It is seldom that a single officer is chosen by a unanimous vote. An officer is usually said to be elected by a majority or a plurality. The latter expression, however, generally means a minority. Where there are but two candidates for the same office in the absence of a tie, one is always elected by a

majority. But when there are more than two candidates the votes are frequently so divided that no candidate receives a clear majority. Thus if A receives thirty-five votes, B thirty-three votes and C thirty-two votes, no candidate has a majority, but A is elected by a plurality, as shown by the several lines in the diagram, representing the number of votes received by the respective candidates :

A ▉▉▉▉▉▉▉▉▉ = 35

B ▉▉▉▉▉▉▉▉ = 33

C ▉▉▉▉▉▉▉ = 32
                    ——
                    100

In all such cases the votes which are cast for third party candidates, for example the thirty-two votes given for C are rendered ineffectual. They do not aid in determining the result of the election and except so far as they are a protest they are absolutely lost. They may have their moral effect, but contribute nothing to defeat or elect one of the two principal candidates. The result of the election is the same as if all third party voters staid at home on the day of election.

In the last twenty years New York has had seven elections for governor and three of the seven governors were elected by a minority. In the last ten years New York City has had five elections for mayor and two of that number were controlled by a minority. At the present time two of the cities in greater New York have minority mayors, and all except one of the cities at which the Empire State Express stops between New York and Buffalo, viz.: Albany, Rochester and Syracuse, have minority mayors.

That the evil of minority elections is not confined to New York is apparent from the fact that the present governors in seventeen states were elected by less than one-half of the votes cast, and the votes of thousands of citizens in each of those states were shorn of their elective power because under the present primitive election methods they did not

chance to be cast for one of the two most popular candidates. For example the plurality in one state was less than one thousand, while the votes of twenty-three thousand good citizens were not allowed to affect the result. In another state where the plurality was less than twenty-five hundred the votes of more than sixty thousand citizens were lost on third party candidates. Such a waste of voting power is or ought to be contrary to public policy.

If the majority are to govern they should not be deprived of that right by inadequate means of expressing their preference. No one would advocate a law which in terms should provide that all votes cast for third party candidates, should not be counted or affect the election; yet that is the result attained by the present election methods. A vote is counted for a third party candidate but it does not affect the result. What advantage does the voter or the state receive from such a vote? None, except so far as the throwing away of votes may be a protest. The conscientious and independent voter is allowed to protest but he is most effectually disfranchised.

In some countries of continental Europe the principle of elections by the majority is firmly established. If at the first election no candidate receives a majority a second election is held, in which case the voters are sometimes restricted in their choice to the two highest candidates on the first poll. In this country Connecticut still retains some relic of majority elections, and only recently the requirement for such elections was abolished in Rhode Island because of the expense and inconvenience attending a second election. Nevertheless, if the majority is to rule, majority elections are desirable and should be promoted at least so far as may be practicable.

If a political party is able to control a majority of the voters within a given district its supremacy is usually assured. If a party falls short of a majority it not unfrequently succeeds by the opposing party dividing its own

forces. In like manner two political parties, each standing alone, may be hopelessly in the minority, while taken together they might constitute a majority. To overcome this difficulty it is not uncommon for two political parties to unite their forces on what is known as a fusion ticket. That result is usually accomplished by an agreement made before an election as to how certain offices should be given out or divided among the different fractions or divisions of the fusion party, and then trusting to the voters to ratify these bargains at the polls. Such fusions frequently accomplish desirable ends, but not unfrequently they place in the hands of individuals, powers, which are capable of abuse, and rightfully belong to the voters.

While the present century has wrought many and important changes in science and the arts there has been little or no change in methods of election. I do not refer to the form of the ballot or to the voting machine, but to the effect of the ballot when cast. The ordinary Australian ballot and secret voting, now so generally practiced, have very largely eliminated the fraudulent vote, but the effect of the ballot when cast has not been changed. It speaks with but one voice and if that voice does not aid in determining the election the vote is dead. Thus as we have seen if one hundred voters are divided into three almost equal parts: thirty-five for A, thirty-three for B and thirty-two for C, A is elected by a plurality of two votes, while the thirty-two voters who supported C have no effect on the result. Their votes are dead.

In this way we see each year thousands upon thousands of good citizens religiously go to the polls and cast their votes into the air as a solemn protest against certain political principles or policies, and thus deprive the state of their aid in determining the result of the election. For it is an elementary proposition that if a vote is not cast for one of the two highest candidates it is completely shorn of its elective power. Efforts to save such votes have been

numerous, but they have been usually confined to second elections and fusion tickets. In this country the latter has been almost the universal means employed. While we are all familiar with the American methods of fusion and its results, it may not be amiss to call special attention to some features with a view of contrast.

As already intimated a fusion is generally accomplished in advance of an election by the managers of two or more parties agreeing upon a joint ticket or a joint nomination for a single office which shall receive united support. The offices to be filled are thus made the subject of trade, and the voters are given the alternative of ratification or a loss of vote.

Let us see how votes cast for third party candidates can be saved, how they are saved in Australia. Would it be a difficult task for a voter, with pencil already in hand, to mark on his ballot his second choice candidate as well as his first?

Suppose we have a ballot in this form :

| A |
| B 2 |
| C 1 |

A voter can easily place the figure 1 opposite the name of his first choice candidate, for example C. Can he not as easily place the number 2 opposite the name of his second choice, for example B? Of course any ordinary voter can do so simple an act as that, and if he could not he would lose nothing. He would have the same right he now has. A voter would not be compelled to use his second choice unless he so desired. Nothing could be more simple, and no further act would be required of a voter.

If the first choice of a voter should prove to have no effect on the result, for example a ballot cast for C, his second choice might take effect, and the state would have

the benefit of the voter's protest as well as the benefit of his vote to aid in determining the election.

This would transform somewhat the diagram first given. For the purpose of illustration we will suppose that all of C's supporters have marked their ballots as the one shown above, and have given their second choice to B. This would require C to retire from the race, and all of his support would then be transferred to B, making the diagram stand thus :

A   ██████████████   — 35

B   ██████████████ ██ ██ ██ ██ — 33 + 32 = 65

                                               100

The broken portion of B's line represents the thirty-two second choice votes received from the original supporters of C. This brings B's total up to sixty-five as against A's thirty-five, and elects B by a majority vote. Of course this is for illustration only. Practically part of C's supporters might have chosen to stand on A's line, and thus make it longer than B's.

In this way, where the first choice can have no effect, the second choice operates as a fusion. The voter makes his protest, and he can at the same time name his own fusion or second choice candidate. Voters fuse instead of having fusion put before them ready made. In other words, the fusion is automatic. It results from the action of the voters at the polls.

I do not mean to say that this method of election by the automatic fusion of the political parties will supersede ante-election arrangements for the transfer of votes to particular candidates. But I do mean to say that it will put into the hands of voters a means of expressing their will more freely, and defeating such arrangements if they so desire, without the now certain penalty of a loss of the vote. Voters would have greater liberty of choice. They would be more free to use their best judgment. They would not

be afraid, as they now are, to vote for their favorite municipal or other reform candidate, lest their vote should be lost, and count as half a vote for the candidate they desire to defeat.

Besides the freedom which an automatic fusion would give to voters, there would be other advantages to the state.   It would be a valuable index to public opinion.   It would preserve votes cast as a protest.   It would sound notes of warning to the executive and legislative branches of the government.   It would be of great value to politicians. They could shape their course to suit the rising favor of new issues among their people, or to locate forces by which present policies might be sustained.

Whatever may be said of the theory of providing voters with better means for enabling a majority to unite in the expression of their choice, there is no difficulty with the practice, for this self-acting or automatic fusion by voters is already a success in Australia.

Sir Samuel Griffith, the Chief Justice of the Supreme Court, of Queensland, says: "No difficulty whatever has been found in its operation so far as I know, and it certainly may have the effect to prevent a candidate who has only a minority of votes from being elected. . . . The only objections I have seen made to it are from persons who are conscious that they cannot command a majority of the votes and still desire to be elected."   I fancy the same people may object to it here.   They will say it is too cumbersome, difficult to understand, and finally that voters have no second choice.   All this is answered by the Chief Justice.

As our present ballot laws differ from the Australian laws, so our laws providing for this reform would be different from theirs, and would have to be fitted to our conditions.   The necessary details have been worked out and form a part of a bill now pending in the legislature of the State of New York, the material parts of which will be appended to this paper.

The occasion of the adoption of this method of election in Queensland, Australia, was the desire on the part of the government to provide for the election of members of parliament by a vote of the majority. To this end the government, then under the lead of the present Chief Justice, brought in a bill providing for a second election where no majority was obtained on the first, after the manner of majority elections in Europe. This raised the question of the expense and inconvenience attending a second election, especially in certain electorates in Queensland which were sparsely settled and voters had to travel a day's journey or more in order to exercise the right of franchise. To overcome the objections incident to a second election, and still to secure the election to the majority, the feasibility of casting a contingent vote was suggested and discussed at length. The proposition was acceptable to the government, and it succeeded in passing the act on August 9, 1892.

This measure was debated at great length in two parliaments without eliciting any worthy objection. In fact, the only serious objection relates to the methods as there applied to plural elections,—that is so far as the bill related to electorates from which two members of parliament were chosen. In most cases only one member was returned from one district, but as there were a few two member districts, the bill provided for them also.

As originally described in the *Century Magazine*,* and as proposed in the bill before the Legislature of New York,† this method was designed for the election of single officers, such as a governor, a mayor, a single member of the legislature and the like. I do not mean to say that it is not capable of being applied to the election of plural officers, for the contrary is the fact. But I do say that this method of election when applied to single elections is perfectly simple, and free from all practical difficulties.

* December, 1890, p. 313. "Elections by the Majority."
† See appendix.

In the bill as introduced into the New York Legislature, a ballot is provided with two blank voting spaces opposite the name of each candidate, and the voting spaces opposite the names of the several candidates are arranged in two columns—the one for the first, and the other for the second choice votes. The voter is then required to mark the first choice voting space opposite the name of his first choice candidate. Then if he wishes to make a second choice to take effect in case his first choice cannot influence the result, he is permitted to mark the second choice voting space opposite the name of his second choice candidate.

This is quite different from the method as used in Australia, for there the voter is permitted to mark a third, fourth or other choice, by simply placing numerals opposite the names in order of his preference. So radical a change in our laws would be distasteful to the people. It would require an entirely new system. Besides it is our custom to have ballots counted and fully tabulated at the polling places, while in Australia they only tabulate the first choice, and then send all the ballots cast in a given district to a central office, where the returning officer gives effect to the second, third or fourth choice as may be necessary.

If we should permit anything more than a second choice we would greatly increase the difficulty of tabulation, for we must remember that it is necessary to keep separate the first choice for each candidate, and the returns must also show just how the first choice supporters of each candidate distributed their support on the second choice, otherwise the vote of one man might count twice, while the second choice vote of another man might cancel the effect of his first choice. For this and many other reasons it has been thought wise to confine ourselves to the first and second choice, at least until it should be found desirable to go further.

The returns being fully provided for, the bill prescribes that a first choice vote should be operative if possible under the rules given, otherwise the second choice shall constitute

the vote. The exact wording of these rules will be found in an appendix to this paper, and their effect will be illustrated later on.

While I am unable to furnish any Australian returns from which to illustrate the operation of this method of election, as in that country the tabulation is not fully made, I am fortunate enough to be able to give the tabulation of a practical test recently made in New York. The test was made by the patrons of certain restaurants in that city known as Childs' Unique Dairies. The proprietor became interested in the pending bill and determined to test its provisions. He had ballots printed and one placed in the hands of each customer as he entered. If a Republican or a Democrat he marked the proper ticket, indicating his first and second choice candidate for the presidential nomination of his party. The tickets were collected as the voters went out.

The Republican portion of the ballot used was in the following form:

VOTE THIS BALLOT ON GOING OUT,
and test the new method of election proposed at Albany
and used in Australia.

REPUBLICAN TICKET.

CANDIDATES For Presidential Nomination.	FIRST CHOICE.	SECOND CHOICE.
Allison.		
McKinley.		
Morton.		
Reed.		

Place (X) in the first column after your first choice.
Place (X) in the second column after your second choice.
Place only one mark after a name.

After the ballots were cast at the various polling places they were brought to a central point and the ballots were counted by messenger boys. They first assorted the ballots into four piles placing in one pile only those ballots which had the same candidate marked as first choice. Thus they placed in the first pile all ballots on which Allison was marked as first choice. The second pile contained all ballots bearing McKinley's name marked as first choice. Likewise piles were made for Morton and Reed. The ballots in each pile were then counted and the number placed opposite the name of the candidate in the column for first choice votes in the form for returns given below.

The ballots in each pile were then re-assorted according to the second choice. Thus the fifteen ballots in Allison's pile were separated into new piles. In this way it was found that McKinley was marked as second choice on two of those ballots, Morton on six, and Reed on seven, and these figures were placed in appropriate places as appears in the returns.

In like manner the four hundred and forty-one ballots in McKinley's pile were re-assorted according to the second choice marked thereon, and the result showed four piles, one containing thirty ballots on which Allison was marked as second choice, one hundred and forty-four ballots on which Morton was marked as second choice, one hundred and eighty-two ballots on which Reed was marked as second choice, and eighty-five ballots on which no second choice was marked. These figures were then placed in the form for returns. In like manner the second choice of Morton's and Reed's supporters was ascertained and the result tabulated.

At this point the canvass of the votes was finished and the duties of the messenger boys ceased. The completed returns then awaited the application of the rules given in the bill for ascertaining the result.

An inspection of the returns showed that the Democratic contest resulted in an election by the majority on the first

choice. The Republican votes were, however, more evenly divided. No candidate received a majority and that result was attained only by making use of the second choice votes of persons who would otherwise have been disfranchised. The tabulated returns were in the following form:

REPUBLICAN RETURNS.

CANDIDATES For Presidential Nomination.	FIRST CHOICE VOTES.	SECOND CHOICE VOTES.				
		ALLISON.	McKINLEY.	MORTON.	REED.	NO SECOND CHOICE.
Allison.	15	—	2	6	7	0
McKinley.	441	30	—	144	182	85
Morton.	302	28	138	—	82	54
Reed.	135	24	67	31	—	13
Total.	893	82	207	181	271	152

These returns show that no candidate has a majority of the first choice votes. Under ordinary circumstances, the votes cast for the candidates receiving the least number of first choice votes would be lost. We notice that if two of Allison's supporters were given their second choice they would go to McKinley, six would go to Morton and seven to Reed. That would increase the total of these candidates and take away all of Allison's supporters. It will be noticed further that the addition of these votes would still give no candidate a majority. As more than two candidates remain, the supporters of Reed are given the opportunity to save their vote by use of their second choice. Thus sixty-seven are added to McKinley's number, and thirty-one to Morton's, giving

McKinley 510 votes—a clear majority—and Morton 339. Most of Reed's supporters having gone to McKinley and Morton he has left only thirty-seven, and Allison has left only the seven votes of the persons who would have supported Reed on their second choice.

Concisely and mathematically expressed the process and result would be as follows :

$$
\begin{array}{llll}
\text{McKinley .} & 441 + 2 & = 443 + 67 & = 510 \\
\text{Morton . .} & 302 + 6 & = 308 + 31 & = 339 \\
\text{Reed . . .} & 135 + 7 & = 142 - (67 + 31 + 7) & = 37 \\
\text{Allison . .} & 15 - (2 + 6 + 7) = & 0 + 7 & = 7 \\
\hline
& 893 & 893 & 893
\end{array}
$$

All the votes are accounted for and a majority-election is secured, and a large number of votes are given effect and thus saved, which would otherwise be lost.

As it is the right of the majority to rule, so is it the duty of public servants to use reasonable diligence in protecting that right.   Our election laws should be amended accordingly.

DANIEL S. REMSEN.

New York.

APPENDIX.

The following extracts are taken from a bill "to promote majority elections," etc., known as Assembly Bill No. 1884, in the New York Legislature of 1896.   While many of the provisions found in these extracts are not material to the method of election advocated in the paper, yet the extracts given are believed to contain all that will be required for a complete understanding of the subject.

PART OF SAMPLE BALLOT.*

General Ballot for the Fifteenth Election District of the Ninth Assembly District of New York.

To vote for a candidate, obliterate, with the official stamp, only one white circle at the left of his name. To express the first choice, obliterate the white circle containing the figure one (1). To express the second choice, obliterate the white circle containing the figure two (2). To vote for a candidate for an office when his name is not printed as a candidate therefor, write his name with pencil, having black lead, in the blank space under the title of such office, and obliterate with the official stamp, as above directed, one white circle at the left of the name so written. Any other mark invalidates the ballot.

GOVERNOR. (Voter has first and second choice.)

1 FRANCIS E. BALDWIN .... Prohibition
2 DAVID B. HILL .... Democratic
3 CHARLES H. MATCHETT .... Social-Labor
4 CHARLES T. MATTHEWS .... People's
5 LEVI P. MORTON .... Republican
6 ....
7 ....

LIEUTENANT-GOVERNOR. (Voter has first and second choice.)

8 ROBERT C. HEWSON .... People's

[Separated by perforated lines here follow sections of the ballot for the various offices to be filled.]

Second Choice. First Choice. REPUBLICAN. DEMOCRATIC. PROHIBITION. SOCIAL-LABOR. PEOPLE'S.

MARKING THE BALLOT.—"The voter shall mark a ballot in the following manner and not otherwise:—

1. In marking the general ballot, in order to vote for individual candidates whose names are printed upon the ballot, he shall obliterate with the official stamp only one white circle in the voting space at the left of the name of each candidate for whom he desires to vote. If there are two voting spaces at the left of the names of the candidates for a particular office, he shall obliterate with the official stamp the white circle containing the figure one at the left of the name of his first choice candidate for whom he desires to vote, and if he desires to express a second choice, to take effect on the failure of his first choice to become operative, as hereinafter provided, he shall obliterate with

* Reduced to one-half actual size.

the official stamp the white circle containing the figure two at the left of the name of his second choice candidate. If he desires to vote for a person or persons other than a candidate for office whose name is printed under the title of that office, he must write the name of such person or persons in the space provided for such purpose directly under the printed names of candidates for such office with a pencil having black lead, and use the official stamp in the same manner as in case of printed names."

CANVASS OF BALLOTS.—If the canvass is not made by assorting into piles as described in the paper, tally sheets may be used, or both methods may be combined.

TALLY SHEETS.—" When only one person is to be elected to an office a separate tally sheet shall be provided for that office as follows: At the top of the broad column, at the extreme left, shall be the words " names of candidates for " and after the word "for" shall follow the designation of the office for which the persons named are candidates, and at the top of the broad column, at the extreme right, shall be the words "total votes cast." The one hundred or more narrow vertical columns shall be numbered at the top of each column with Arabic numerals, beginning with the number " I " and thereafter consecutively from left to right. Under the words " names of candidates for " shall be printed, upon separate lines, the names of the candidates for the particular office designated and printed upon the ballots. Such names shall be arranged in groups. The first name in each group shall be preceded by a double and followed by a single line, each ruled in black ink across the tally sheet from left to right, and all other names shall be separated from each other by similar single lines ruled in red ink. The names in the first group at the top of the tally sheet shall be in the same order as printed on the ballot.

The names in subsequent groups shall be arranged in like manner except the second name shall head the second group, the third name the third group, and so on through the whole list, so that the name of each candidate for such office shall head one group and no more. After the names of each such group of candidates shall be printed upon a separate line the word "blank," followed by a convenient number of spaces, in which shall be written during the canvass of votes the names of candidates not printed upon the ballots, but found to be voted for thereon. After the group of printed names of candidates the tally sheet shall contain a convenient number of blank group spaces with the same ruling and number of lines as the preceding group spaces, in which shall be written during the canvass of the votes the names of such candidates as shall render convenient the canvass and tabulation of the vote as hereinafter provided."

USE OF TALLY SHEET.—" In canvassing the general ballots the chairman of the board shall unfold each ballot so far as necessary to leave the endorsements thereon plainly visible, and no further, and so as to leave the face of the ballot concealed. While so unfolding the ballot, the chairman shall keep the same close to the top of the table or board used for the purpose of the canvass, and in such manner that the endorsements upon such ballot shall be plainly visible. The chairman shall place such ballots so unfolded in one pile, or in separate piles close together, each ballot in such pile or piles having the endorsement thereon uppermost. The chairman shall then detach from the first ballot lying uppermost on such pile, or, if there be more than one such pile, on the first one of such piles, but without removing the ballot from the pile, that portion of the ballot which contains the names of the candidates for the first office printed thereon, and, unfolding such detached portion, shall hold the same fully opened, and so that the entire face and contents thereof shall be plainly visible to any election officer or watcher desiring to see the same, and shall read aloud the names of the candidates voted for upon such detached portion in the order in which such names are printed thereon, unless the voter has a right to indicate his first and second choice, in which case the name of the first choice candidate shall be first read, followed by the words "first choice" spoken in a clear and distinct voice, and the name of the second choice candidate shall then be read, followed by the words "second choice" spoken in a similar manner, and if no second choice is indicated, it shall be announced as blank as to the second choice. In those cases where a voter has a right to express his first and second choice, the first choice expressed on a ballot shall be recorded on the tally sheet in the group of names of candidates headed by the name of the candidate marked as first choice, and opposite his name, between lines ruled in black ink, and the second choice expressed on such ballot shall be recorded on the tally sheet in the same group, but opposite the name of the candidate so marked as second choice, and if no candidate be so marked, then opposite the word "blank." The chairman shall pause after the reading of each such name, to enable the vote to be recorded upon the tally sheet. The chairman shall also pause whenever requested so to do by any election officer or watcher, for the purpose of verification, correction or objection. The canvass of the votes for the candidates for the first office upon the remaining ballots shall proceed in like manner. As soon as the canvass of votes for candidates for any office upon the ballots shall have been completed, the votes for the candidates for the next office upon the ballots shall be canvassed in like manner."

FORM FOR RETURNS.—"In cases where electors have a right to express a first and second choice, each such statement shall set forth in words written at length and tabular form the number of ballots which contain the name of the same candidate marked thereon as first choice; and the number of ballots thus marked which contain the name of each other candidate marked as second choice. Such tabular form shall be substantially as follows, the letters indicating the names of candidates and the figures the number of ballots marked for each as first or second choice, namely:

FIRST CHOICE.		SECOND CHOICE.			
		A	B	C	Blank
A	7		1	6	0
B	20	7		10	3
C	18	5	7		6
Total	45	12	8	16	9

RESULT OF ELECTION ASCERTAINED.—"When only one person is to be elected to an office, each elector shall be entitled to designate on the ballot cast by him and in the manner herein provided, the name of his first choice candidate and also the name of his second choice candidate for such office, and his ballot shall constitute and operate as his vote either for his first choice candidate or for his second choice candidate. Every such first choice vote shall be operative as a vote unless a second choice vote shall be operative under the following rules, by which the result of an election shall be ascertained, namely:

1. If the name of any candidate stands as first choice on a majority of all the ballots cast he is elected.

2. If no candidate is thus elected, drop the name of the one having the least number of first choice votes and add the second choice votes cast by his supporters to the first choice votes of the remaining candidates for whom they were given. If no candidate then has a majority drop from the remaining candidates the one having the least number of votes then to his credit, and add the second choice votes cast by his supporters to the first choice votes of the remaining candidates for

whom they were given.   Repeat this operation until some candidate has a majority or until only two candidates remain.   The one then having the greater number of votes to his credit will be elected.   The word " drop " as here used shall not be so construed as to deprive any elector of his first choice vote when his second choice is not operative, and no second choice vote shall be deemed operative when it is cast for a candidate whose name shall be dropped as herein provided.''